

Sheehan & Associates, P.C.
spencer@spencersheehan.com

505 Northern Blvd Ste 311, Great Neck NY 11021-5101
tel. 516.303.0552 fax 516.234.7800

June 9, 2020

District Judge Rachel P. Kovner
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11021

Re: 1:19-cv-06448-RPK CLP
Warren v. Whole Foods Market Group, Inc.

Dear District Judge Kovner:

This office with Reese LLP, Michael Reese, represents the plaintiff. On Friday, June 5, 2020, defendant filed a letter seeking a pre-motion conference for filing a motion to dismiss the complaint. ECF No. 11.

Consistent with your Honor's Individual Rules, and Fed. R. Civ. P. 15(a)(1)(B), plaintiff will seek to amend the complaint "as a matter of course." *Martinez v. LVNV Funding, LLC*, No. 14-cv-00677, 2016 WL 5719718, at *3 (E.D.N.Y. Sept. 30, 2016); *M.E.S., Inc. v. Liberty Mut. Sur. Group*, No. 10-cv-0798, 2014 WL 46622 (E.D.N.Y. Jan. 6., 2014) at *2 (noting that a plaintiff's amendment as of right in response to defendant's pre-motion letter seeking dismissal "allow[s] for the more efficient use of the Court's time and resources because the Court need only meet with the Parties once . . . and the need for the motion may be obviated if the amended pleading deals with Defendants' concerns.").

Plaintiff originally would be required to file an amended complaint ("FAC") on or before Friday, June 26, 2020, 21 days from when defendant filed its responsive document. Plaintiff requests an extension of 39 days to file an amended complaint, for a total of 60 days from the filing of defendant's responsive document, or on or before August 4, 2020. Defendant informed this office it does not oppose the present request. There have been no prior requests for extension of this date. No scheduled dates would be affected through this requested extension of time sought here. This request is submitted at least 48 hours prior to the original compliance date. Thank you.

Respectfully submitted,

/s/Spencer Sheehan
Spencer Sheehan

Certificate of Service

I certify that on June 9, 2020, I served and/or transmitted the foregoing by the method below to the persons or entities indicated, at their last known address of record (blank where not applicable).

	CM/ECF	First-Class Mail	Email	Fax
Defendant's Counsel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plaintiff's Counsel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courtesy Copy to Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

/s/ Spencer Sheehan